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ORIGINAL

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Attorneys for Defendant.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JERALD L. PARKER,

Plaintiff,

v.

DEUTSCH LUFTHANSA AG, a foreign
corporation dba LSG SKY CHEFS,

Defendant.

Case No.

**NOTICE OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT**

CV 09-1041 HA

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
OREGON,**

AND TO: JERALD L. PARKER,

AND TO: PLAINTIFF'S COUNSEL OF RECORD,

AND TO: ALL OTHER INTERESTED PERSONS:

PAGE 1 – DEFENDANT'S NOTICE OF REMOVAL TO
FEDERAL COURT

PO-138 v1 2066965-00002

28840

K&L GATES LLP
222 SW COLUMBIA STREET
SUITE 1400
PORTLAND, OR 97201-6632
TELEPHONE: (503) 228-3200

PLEASE TAKE NOTICE THAT Defendant DEUTSCHE LUFTHANSA AG (erroneously identified by plaintiff as DEUTSCH LUFTHANSA AG, a foreign corporation dba LSG SKY CHEFS) hereby removes to the United States District Court for the District of Oregon (Portland) the state court action described below.

NOTICE OF REMOVAL IS TIMELY

1. On August 3, 2009, a civil action was commenced by Plaintiff JERALD L. PARKER in the Circuit Court of Oregon, County of Multnomah, entitled Jerald L. Parker v. Deutsch Lufthansa AG, a foreign company dba LSG Sky Chefs, case no. 0908-10754 (hereinafter, "State Court Action"). True and correct copies of the Summons and Complaint in the State Court Action are attached hereto as Exhibits 1 & 2. No further proceedings have been had in the state court action.

2. DEUTSCHE LUFTHANSA AG, a foreign corporation, was served on August 4, 2009. The removal is timely because this Notice of Removal was filed and served by Defendant DEUTSCHE LUFTHANSA AG within thirty days thereof. The Summons and Complaint constitute all of the pleadings, process and orders served in the State Court Action.

DIVERSITY JURISDICTION EXISTS

3. The State Court Action is a civil action of which this United States District Court has original jurisdiction pursuant to 28 U.S.C. section 1332, and is one which may be removed to this District Court by Defendant DEUTSCHE LUFTHANSA AG, a foreign corporation, pursuant to 28 U.S.C. section 1441(b) in that this is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Specifically, in his prayer on page 3 of the Complaint, Plaintiff JERALD L. PARKER seeks damages in excess of \$580,000, exclusive of costs.

4. Upon information and belief, plaintiff JERALD L. PARKER at the time this action was commenced was, and still is, a citizen of the State of Oregon. Also, upon information and belief, plaintiff's name is spelled GERALD PARKER, not JERALD L. PARKER, as listed in the caption.

5. Defendant DEUTSCHE LUFTHANSA AG at the time this action was commenced was, and still is, a German corporation with its principal place of business in Neu-Isenberg, Germany, and was not and is not incorporated under the laws of the State of Oregon, wherein this action was brought.

6. As evidenced above, complete diversity exists between Plaintiff and Defendant and, therefore, diversity jurisdiction is proper before the United States District Court.

FEDERAL QUESTION JURISDICTION EXISTS

7. The State Court Action is a civil action of which this United States District Court has original jurisdiction pursuant to 28 U.S.C. section 1331, and is one which may be removed to this District Court by Defendant DEUTSCHE LUFTHANSA AG pursuant to 28 U.S.C. section 1441(b) in that plaintiff's claim involves a federal question because plaintiff alleges violation of federal law. Specifically, in paragraph 7 on page 2 of the Complaint, Plaintiff JERALD L. PARKER alleges that Defendant violated 42 USC § 1981.

REMOVAL TO THIS DISTRICT IS PROPER

8. Pursuant to 28 USC §§ 1331, 1332, 1441 and 1446, removal of the above-captioned state court action to this court is appropriate.

9. Pursuant to 28 USC §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

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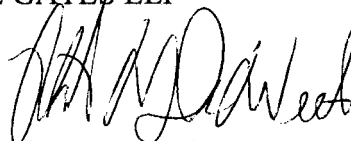
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10. The Defendant is providing to the plaintiff, through his counsel, written notice of the filing of this Notice of Removal. Furthermore, defendant is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Multnomah County, Oregon, where the action is currently pending.

Dated this 1st day of September, 2009.

K&L GATES LLP

By:



Philip Van Der Weele, OSB #86365
Barbara Jacobson, OSB #82463
Laura R. Salerno, OSB #076230
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT upon the following counsel
by depositing the same in the United States Mail, properly addressed with sufficient postage
affixed thereto to ensure delivery to:

Glenn Solomon
Attorney at Law
1001 SW 5th Ave., Suite 1414
Portland, OR 97204
Attorney for Plaintiffs

Dated this 1st day of September, 2009.



Philip Van Der Weele

2:44

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JERALD L. PARKER,)	
)	No. 0908-10754
Plaintiff,)	
)	SUMMONS
v.)	
)	
DEUTSCH LUFTHANSA AG a)	
foreign corporation dba LSG SKY CHEFS,)	
)	
Defendant.)	


To: DEUTSCH LUFTHANSA AG c/o CT Corporation Systems; 388 State Street #420;
Salem, Oregon 97301:

You are hereby required to appear and defend the complaint filed against you in the above captioned case within 30 days from the date of service of this summons upon you, and in case of your failure to do so plaintiff will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT -- READ THESE PAPERS CAREFULLY

You must "appear" in this case or the other side will automatically win. To "appear" you must file with the court a legal document called a motion or an answer. The answer must be given to the court clerk within 30 days along with the required filing fee. It must be in proper form with proof of service on the plaintiff's attorney, or if the plaintiff does not have an attorney, proof of service upon plaintiff.

If you have any questions you should see an attorney.


Glenn N. Solomon #83328
1001 SW Fifth Ave. #1414
Portland, Oregon 97204
(503) 241-3508

STATE OF OREGON, County of _____, ss.; I, the undersigned attorney for plaintiff, certify that the foregoing is an exact copy of the original summons in the above captioned action.

Attorney for Plaintiff

1. SUMMONS

EXHIBIT 1
PAGE 1 OF 1

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JERALD L. PARKER,

Plaintiff,

v.

DEUTSCH LUFTHANSA AG,
a foreign corporation dba LSG SKY
CHEFS,

Defendant.

0908-10754

)
)
) No.
)
) COMPLAINT for
) 1. Discrimination in Employment
) 2. Wrongful Discharge
)
) JURY TRIAL REQUESTED
) Not Subject to Mandatory Arbitration
)

Plaintiff alleges as follows:

1.

The Plaintiff, Gerald L Parker (Parker) is an adult, male, African American citizen, who resides in Multnomah County.

2.

The Defendant, Deutsch Lufthansa AG (Lufthansa) is a foreign corporation which does business in Multnomah County as LSG Sky Chefs (Sky Chefs). Sky Chefs is in the airline catering business.

3.

Parker worked for Sky Chefs as a driver from September of 2007 until
1. COMPLAINT

Page

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EXHIBIT 2
PAGE 1 OF 3

1 until December of 2008. He was involuntarily terminated.

2
3 4.

4 Parker's race was a substantial motivating factor for his termination.

5 5.

6 Prior to his termination, Parker complained to management
7 about race discrimination based on unequal treatment in terms and conditions of
8 employment.

9
10 6.

11 Parkers complaint about race discrimination was a substantial motivating factor
12 for his termination.

13 First Claim

14 (Race Discrimination in Employment)

15 7.

16 Parker was terminated because of his race in violation of 42 USC 1981
17 which prohibits discrimination based on color in matters of contract.

18
19 8.

20 As a result of his termination, Parker lost, and will continue to lose, wages
21 and benefits.

22 10.

23 As a result of his termination Parker suffered, and will continue to suffer,
24 emotional pain and a sense of degradation.

25
26 2. COMPLAINT

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EXHIBIT 2
PAGE 2 OF 3

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Second Claim

(Wrongful Discharge)

10.

Parker was terminated for pursuing a right that belongs to him as an employee, the right to be free from race discrimination.

11.


As such, Parker's termination was a wrongful act in violation of public policy.

12.

As a result of his termination, Parker suffered, and will continue to suffer, lost wages and benefits as well as emotional pain and a sense of degradation.

WHEREFORE, Parker prays for judgment against Lufthansa for:

1. Economic damages in an amount to be determined but not less than \$80,000;
2. General damages for emotional pain and suffering in an amount to be determined but not less than \$500,000;
3. For reasonable attorney fees under 42 USC 1988 as well as the costs and disbursements of this action;
4. Whatever other relief the court deems necessary and proper.


Glenn Solomon #83328
Attorney for Plaintiff

3. COMPLAINT

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EXHIBIT 2
PAGE 3 OF 3

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